

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

GREG L. ALMOND and JOCELYN  
ALMOND,

Plaintiffs,

v.

THE BANK OF NEW YORK  
MELLON, AS TRUSTEE,

Defendant.

Case No. 1:18-cv-\_\_\_\_\_

**NOTICE OF REMOVAL**

COMES NOW, The Bank of New York Mellon, as Trustee for the Bear Stearns Asset Backed Securities Trust 2002-2, Asset Backed Certificates, Series 2002-2 (“BNY Mellon”),<sup>1</sup> and files this Notice of Removal, hereby removing this action to the United States District Court for the Northern District of Georgia. BNY Mellon states the following grounds in support of removal:

1. On January 31, 2018, Plaintiffs Greg Almond (“Mr. Almond”) and Jocelyn Almond (“Ms. Almond”), (together, Mr. Almond and Mrs. Almond shall be referred to “Plaintiffs”) filed their Complaint against BNY Mellon in the

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<sup>1</sup> BNY Mellon is incorrectly named in the case caption solely as “The Bank of New York Mellon, as Trustee,” without identifying the beneficiary of the trust.

Superior Court of Douglas County, Georgia. This case is styled as *Greg L. Almond and Jocelyn Almond v. The Bank of New York Mellon, as Trustee*, and was assigned Case No. 18CV00150 (the “State Court Action”). True and correct copies of all pleadings and other documents filed to date in the State Court Action are collectively attached hereto as **Exhibit “A”**.

2. The United States District Court for the Northern District of Georgia, Atlanta Division, embraces Douglas County, Georgia. Removal to this Court is therefore proper under 28 U.S.C. § 1442.

3. As of this date, there has been no service of process on BNY Mellon.

4. This Notice of Removal is being filed in accordance with 28 U.S.C. § 1446 and Fed. R. Civ. P. 81(c). In compliance with 28 U.S.C. § 1446(d), BNY Mellon will, upon docketing of the Notice of Removal in this Court, file a copy of the Notice of Removal with the Clerk of the Superior Court of Douglas County.

#### **FEDERAL QUESTION JURISDICTION**

5. This Court has federal jurisdiction pursuant to 28 U.S.C. § 1331 because the Complaint contains claims arising under the laws of the United States.

6. Specifically, the Complaint contains claims against BNY Mellon under 18 U.S.C. § 152 and 18 U.S.C. § 1001. *See* Compl. at pp. 2-4.

7. Additionally, the opening paragraph of the Complaint states the

Plaintiffs are bringing state law claims for wrongful foreclosure under O.C.G.A. §§ 44-14-184 and 16-9-90. *Id.* at p. 1. This Court has supplemental jurisdiction over these claims pursuant to 28 U.S.C. § 1367, as they form part of the same case or controversy as the federal claims. This is evidence by the fact that all of the claims – state and federal – relate to the same set of facts concerning alleged misrepresentations made during the Plaintiffs’ bankruptcy case. *See generally* Compl.

8. This Notice of Removal is being filed in accordance with 28 U.S.C. § 1446 and Fed. R. Civ. P. 81(c). In compliance with 28 U.S.C. § 1446(d), Defendant is, contemporaneously herewith, filing a copy of this Notice of Removal with the Clerk of the Superior Court of Douglas County, Georgia.

WHEREFORE, BNY Mellon prays that the State Court Action proceed in this Court as an action properly removed.

Respectfully submitted, this 18th day of July, 2018.

/s/ Bret J. Chaness

BRET J. CHANESS (GA Bar No. 720572)

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*Attorney for The Bank of New York Mellon, as  
Trustee for the Bear Stearns Asset Backed  
Securities Trust 2002-2, Asset Backed Certificates,  
Series 2002-2*

**FONT CERTIFICATION**

The undersigned counsel hereby certifies that the within and foregoing was prepared using Times New Roman, 14-point font in accordance with LR 5.1(B).

This 18th day of July, 2018.

/s/ Bret J. Chaness

BRET J. CHANESS (GA Bar No. 720572)

**CERTIFICATE OF SERVICE**

I hereby certify that I have, this 18th day of July, 2018, served all parties in this matter with the foregoing by placing a true and correct copy of same in the United States Mail, with first-class prepaid postage affixed thereto, properly addressed as follows:

Greg Almond  
9914 Scarlet Oak Drive  
Douglasville, GA 30135

Jocelyn Almond  
9914 Scarlet Oak Drive  
Douglasville, GA 30135

/s/ Bret J. Chaness  
BRET J. CHANESS (GA Bar No. 720572)